

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**OLLIE GREENE, Individually as the
Surviving Parent of WYNDELL GREENE,
SR., WILLIAM GREENE, as the
Administrator of the Estate of WYNDELL
GREENE, SR., and MARILYN
BURDETTE-HARDEMAN, Individually
and as the Surviving Parent of LAKEYSHA
GREENE D;**

Plaintiffs

v.

**TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR MANUFACTURING
NORTH AMERICA, INC., TOYOTA
MOTOR SALES USA, INC., VOLVO
GROUP NORTH AMERICA, LLC,
VOLVO TRUCKS NORTH AMERICA, A
DIVISION OF VOLVO GROUP NORTH
AMERICA, LLC, STRICK TRAILERS,
LLC, JOHN FAYARD MOVING &
WAREHOUSE, LLC and DOLPHIN LINE,
INC.**

Defendants.

CAUSE NUMBER: 3:11-cv-0207-N

JURY TRIAL DEMANDED

DOLPHIN LINE, INC.'S SECOND AMENDED TRIAL EXHIBIT INDEX

To the Honorable Judge of Said Court:

COMES NOW, Defendant Dolphin Line, Inc., and pursuant to the Court's Order (ECF #332), Local Rule 26.2 and Fed. R. Civ. P. 26(a)(3), hereby files its Second Amended Trial Exhibit Index, for the purposes of entering same, if necessary, at trial:

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
1.	Dolphin Line Repair Orders			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
	Dolphin-0270-0312			
2.	Various Dolphin Line Annual Vehicle Inspection Reports DOLPHIN-0313-0321			
3.	Application for Certificate and Title Registration DOLPHIN-0519-0521			
4.	Dolphin Line, Inc.'s Policies and Procedures DOLPHIN-0522-0578			
5.	Withdrawn			
6.	Withdrawn			
7.	Withdrawn			
8.	Withdrawn			
9.	Withdrawn			
10.	Withdrawn			
11.	Notes from Dexter Barkley's investigation Exhibit 6 to the deposition of Dexter Barkley			
12.	Records from Elmo Volunteer Fire Department TOY 13742-13756 Exhibit 2 to the deposition of Roger Crues			
13.	Results of Daniel Sprinkle's Post-Accident DOT Controlled Substance Test Exhibit 25 to the deposition of Jerry Talton			
14.	Withdrawn			
15.	Post-Accident Photographs taken by Jerry Talton of the Dolphin Line trailer Exhibit 27 to the deposition of Jerry Talton			
16.	Withdrawn			
17.	Withdrawn			
18.	Withdrawn			
19.	Withdrawn			
20.	Withdrawn			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
21.	Withdrawn			
22.	Withdrawn			
23.	Withdrawn			
24.	Invoice and Quote from Gulf City Body and Trailer Works, Inc. to John Fayard Moving & Warehousing JFM 00001-00002			
25.	Invoice from John Fayard Moving & Warehousing to Dolphin Line dated May 26, 2010 JFM 00003			
26.	Email from Cindy Parker to Jerry Talton dated June 1, 2010 JFM 00004-00005			
27.	Flowerwood Nursery's Packing Lists JFM 00006-00013			
28.	Withdrawn			
29.	Results of DOT Controlled Substance Test for Danny Sprinkle JFM 00049-00050			
30.	Withdrawn			
31.	Withdrawn			
32.	Withdrawn			
33.	Withdrawn			
34.	Withdrawn			
35.	Withdrawn			
36.	Withdrawn			
37.	Withdrawn			
38.	Withdrawn			
39.	Withdrawn			
40.	Various compliance testing reports and calculations for rear impact guards/bumpers			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
	STRICK00275-00470			
41.	Withdrawn			
42.	Strick Trailer Care and Maintenance Manual STRICK00528-00539			
43.	Withdrawn			
44.	Memorandum re Heavy Truck Rear Impact Guards; Rear Impact Protection STRICK00673-00683			
45.	Strick Trailer Care and Maintenance Manual updated January 28, 2010 STRICK00685-00694			
46.	Strick Trailer Care and Maintenance Manual updated December 2, 2010 STRICK00695-00704			
47.	Strick Trailer Care and Maintenance Manual updated December 1, 2011 STRICK00705-00714			
48.	Strick Bumper Certification Plate STRICK00715-00718			
49.	Torcomian Industries installation drawings, patents, and calculations STRICK00719-00767			
50.	Withdrawn			
51.	Withdrawn			
52.	Withdrawn			
53.	Withdrawn			
54.	Withdrawn			
55.	Withdrawn			
56.	Withdrawn			
57.	Strick Rear Impact Guard Testing Report dated January 7, 1997 STRICK01389-01435			
58.	Strick Rear Impact Guard Testing Report dated			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
	February 6, 1997 STRICK01436-01482			
59.	Strick Rear Impact Guard Testing Report dated January 23, 1998 STRICK01562-01600			
60.	Strick Rear Impact Guard Testing Report dated January 23, 1998 STRICK01640-01678			
61.	Strick Rear Impact Guard Testing Report dated February 2, 1998 STRICK01523-01561			
62.	Strick Rear Impact Guard Testing Report dated February 2, 1998 STRICK01483-01522			
63.	Strick Rear Impact Guard Testing Report dated February 9, 1998 STRICK01601-01639			
64.	Strick Rear Impact Guard Testing Report dated February 18, 1998 STRICK01679-01714			
65.	Strick Rear Impact Guard Testing Report dated February 6, 1998 STRICK01715-01754			
66.	Strick Rear Impact Guard Testing Report dated March 2, 1998 STRICK01755-01800			
67.	Strick Rear Impact Guard Testing Report dated May 4, 1998 STRICK01801-01844			
68.	Strick Rear Impact Guard Testing Report dated May 18, 1998 STRICK01845-01886			
69.	Strick Rear Impact Guard Testing Report dated February 25, 1999 STRICK01887-01926			
70.	Strick Rear Impact Guard Testing Report dated February 23, 1999 STRICK01927-01964			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
71.	Strick Rear Impact Guard Testing Report dated February 16, 1999 STRICK01965-02007			
72.	Strick Rear Impact Guard Testing Report dated February 15, 1999 STRICK02008-02051			
73.	Strick Standard Bumper Test, P3 Test Point dated March 18, 1999 STRICK002052			
74.	Strick Rear Impact Guard Testing Report dated May 25, 2000 STRICK002053-002092			
75.	Rear Impact Guard and Protection Report dated September 12, 1996 STRICK002094-002111			
76.	Trailer Care and Maintenance Manual STRICK002166-002177			
77.	Withdrawn			
78.	Withdrawn			
79.	Strick Rear Impact Guard Testing Report dated July 26, 2000 STRICK002112-002153			
80.	Withdrawn			
81.	Federal Regulations re rear impact guards STRICK002483-002488			
82.	Withdrawn			
83.	Strick ICC Bumper Plans STRICK 04437-04438			
84.	Volvo Truck Build Record Exhibit 87 to the deposition of Gregory Prinzo			
85.	Diagram of VORAD system Exhibit 88 to the deposition of Gregory Prinzo			
86.	Service Manual Trucks, Eaton VORAD Collision Warning System Exhibit 89 to the deposition of Gregory Prinzo VGNA_001663-001710			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
87.	Eaton VORAD Installation Guidelines Exhibit 90 to the deposition of Gregory Prinzo GREENE_006507-006536			
88.	Volvo 3P Purchasing Exhibit 91 to the deposition of Gregory Prinzo			
89.	Withdrawn			
90.	Photographs of Mississippi Apportioned Registration Cab Card and Driver's Daily Logs Exhibit 2 to the deposition of Charles Moody			
91.	Photograph of DOT Trailer Placard Exhibit 4 to the deposition of Charles Moody			
92.	Photographs of Charles Moody's cell phone Exhibits 18-19 to the deposition of Charles Moody			
93.	Withdrawn			
94.	Withdrawn			
95.	Withdrawn			
96.	Withdrawn			
97.	Withdrawn			
98.	Withdrawn			
99.	Withdrawn			
100.	Withdrawn			
101.	Withdrawn			
102.	Withdrawn			
103.	Scan of the 4Runner Exhibit 16 to the deposition of Lee Carr			
104.	Calculation of Stiffness Coefficient Changes for Varying Delta-V's Exhibit 20 to the deposition of Lee Carr			
105.	Carr Engineering 3D Analysis of accident Exhibit 25 to the deposition of Lee Carr			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
106.	Dr. Michelle Vogler's Report dated December 18, 2013 Exhibit 3 to the deposition of Michelle Vogler			
107.	Dr. Vogler's accident reconstruction comparison Exhibit 4 to the deposition of Michelle Vogler			
108.	Dr. Vogler's accident scene analysis Exhibit 5 to the deposition of Michelle Vogler			
109.	Summary of Reconstruction Calculations Exhibit 7 to the deposition of Michelle Vogler			
110.	Strick Trailer Deformation Exhibit 8 to the deposition of Michelle Vogler			
111.	Strick Rear Impact Guard Testing Report Exhibit 12 to the deposition of Michelle Vogler STRICK01523-01561			
112.	Bumper Test, Strick Standard, P3 Test Point Exhibit 13 to the deposition of Michelle Vogler STRICK02052			
113.	Potential Costs, Safety Benefits, and Cost-Effectiveness of Side Impact Guards for Truck Trailers Exhibit 14 to the deposition of Michelle Vogler STRICK02380-02444			
114.	Impact Energy Comparison Exhibit 15 to the deposition of Michelle Vogler			
115.	Impact Energy, Plaintiffs Alternate Rear Impact Guard Design Crash Tests Compared to Subject Collision Energy Exhibit 16 to the deposition of Michelle Vogler			
116.	Accident History-EDSMAC4, Volvo, 4Runner, Corolla Exhibit 17 to the deposition of Michelle Vogler			
117.	Accident History-SIMON, Yawl Exhibit 18 to the deposition of Michelle Vogler			
118.	Impact Guard Analysis Exhibit 22 to the deposition of Michelle Vogler			
119.	Withdrawn			
120.	Withdrawn			

<u>Exh</u>	<u>Description</u>	<u>Objections</u>	<u>Offered</u>	<u>Admitted</u>
121.	Tom Truss Report dated December 19, 2013 Exhibit 2 to the deposition of Tom Truss			
122.	Rockwell / ZF Meritor 10-Speed Transmissions Exhibit 3 to the deposition of Tom Truss			
123.	Dr. Viano's report dated December 18, 2013 Exhibit 3 to the deposition of David Viano			
124.	Dr. Viano's calculations and analysis Exhibits 4-6 to the deposition of David Viano			
125.	Lee Carr's Diagram of Accident and David Viano's calculations Exhibit 7 to the deposition of David Viano			
126.	Withdrawn			
127.	Dr. Viano's handwritten notes Exhibits 11 and 17 to the deposition of David Viano			
128.	Withdrawn			
129.	IIHS Summary of Online Safety Ratings for Toyota 4Runner Exhibit 13 to the deposition of David Viano			
130.	IIHS Status Report, Vol. 46, No. 2, dated March 1, 2011 Exhibit 14 to the deposition of David Viano			
131.	Summary of Notes from Review of Dr. Corrigan's Deposition Exhibit 15 to the deposition of David Viano			
132.	Summary of Notes from Review of Dr. Burton's Deposition Exhibit 16 to the deposition of David Viano			
133.	Withdrawn			

JOINDER IN AND ADOPTION OF CO-DEFENDANTS' INDEXES

In all other respects, Dolphin Line joins in and adopts the Exhibit Indexes submitted by its co-Defendants in this action. The matters set forth herein are in addition to and not in lieu of those grounds.

Respectfully submitted,

By: /s/ Jacob M. Borchers
John S. Kenefick
State Bar No. 24006294
jkenefick@macdonalddevin.com
Jacob M. Borchers
State Bar No. 2403067522
jborchers@macdonalddevin.com
MACDONALD DEVIN, P.C.
1201 Elm Street, Ste. 3800
Dallas, Texas 75270-2130
214.744.3300 Telephone
214.747.0942 Facsimile

**ATTORNEYS FOR DEFENDANT
DOLPHIN LINE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2014, the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ Jacob M. Borchers
JACOB M. BORCHERS